



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,598	04/13/2001	Bruce Willins	1089	4259

7590 05/04/2005

Daniel R. McGlynn
Symbol Technologies, Inc.
One Symbol Plaza, MS-A-6
Holtsville, NY 11742

EXAMINER

SONG, HOSUK

ART UNIT PAPER NUMBER

2135

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,598

Applicant(s)

WILLINS ET AL.

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/13/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson et al(US 5,991,408).

Claim 1: Pearson disclose a semiconductor package and a cryptographic processor disposed in the semiconductor package, the processor including a biometric data capture device operative to acquire biometric data associated with predetermined biometric characteristic of a user and store the biometric data as a biometric key in (fig.6 and col.2,lines 32-48). Pearson discloses encryption/decryption circuit operative to perform encryption or decryption circuit on input data utilizing biometric key in (col.2,lines 32-35 and fig.5).

Claim 2: Pearson discloses stored biometric key is encrypted data in (col.6,lines 14-20).

Claim 3: Pearson discloses biometric data capture device performs an encryption operation on the same source biometric data to produce encrypted source data in (fig.1 and col.2,lines 32-35).

Claim 4: Pearson discloses processing unit compares the encrypted source data with the stored biometric key in (fig.1 and col.3,lines 44-55).

Claim 5: Pearson discloses predetermined biometric characteristic is a fingerprint in (fig.1 and col.43-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2135

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson et al(US 5,991,408) in view of Li et al(US 6,219,793).

Claim 6: Pearson disclose a cryptographic processor disposed in the semiconductor package, the processor including a biometric data capture device operative to acquire biometric data associated with predetermined biometric characteristic of a user and store biometric data as a biometric key in (fig.6 and col.2,lines 32-48). Pearson disclose encryption/decryption circuit operative to perform encryption or decryption circuit on input data utilizing biometric key in (col.2,lines 32-35 and fig.5).Pearson does not disclose a hand-held housing and a wireless RF transceiver in the housing to transmit and receive data over a wireless communications channel. Li discloses handheld housing and wireless RF transceiver in (fig.1,4).

It would have been obvious to person of ordinary skill in the art at the time invention was made to employ hand-held housing and a wireless RF transceiver as taught in Li with biometric capture device as disclosed in Pearson in order to conduct transaction at any location without bound to fixed location thus offering convenient way to communicate with remote device without wires.

Claim 7: Pearson discloses stored biometric key is encrypted data in (col.6,lines 14-20).

Claim 8: Pearson discloses biometric capture circuit performs an encryption operation on the source biometric data to produce an encryption key in (fig.1 and col.2,lines 32-35).

Claim 9: Pearson discloses processing unit utilizes the stored biometric key with a cryptographic algorithm in (fig.2).

Claim 10: Pearson discloses predetermined biometric characteristic is a fingerprint in (fig.1 and col.3,lines 44-55).

Art Unit: 2135

3. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson et al(US 5,991,408) in view of Scott(US 6,484,260).

Claim 11: Pearson discloses a security protocol program executed in the cryptographic processor and verification of a stored encrypted biometric key in cryptographic processor in (fig.6 and col.2,lines 32-48). Pearson does not specifically disclose mobile computer including a cryptographic processor and a wireless RF transceiver. Scott disclose mobile computer including a cryptographic processor and a wireless RF transceiver in (col.2,lines 15-21;col.7,lines 35-42 and fig.1). It would have been obvious to person of ordinary skill in the art at the time invention was made to include wireless RF transceiver as taught in Scott with fingerprint device disclosed in Pearson because in order for user to conveniently conduct transaction at any location without wires thus providing portability and flexibility to the user.

Claims 12-13: Pearson disclose cryptographic processor includes a biometric data capture device and a encryption/decryption circuit operative to perform encryption or decryption on input data to the processor utilizing biometric key in (col.2,lines 32-35 and fig.5).

Claim 14: Pearson discloses processor performs an encryption operation on the source biometric data to produce encrypted source biometric data which is stored as biometric key in (col.2,lines 32-35 and fig.5 and col.6,lines 14-20).

Claim 15: Pearson discloses processor compares the encrypted source biometric data with the biometric data of the current user in (fig.1 and col.2,lines 36-48). Pearson does not specifically disclose mobile computer. Motivation for employing mobile computer addressed in claim 11 rejection.

Claim 16: Pearson discloses predetermined biometric characteristic is a fingerprint in (fig.1 and col.43-48).

Art Unit: 2135

Claim 17: Pearson discloses authentication server connected to the wired local area network in (col.2,lines 49-56).

Allowable Subject Matter

4. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Applicant's Arguments

5. Claims 1-18 are pending. The previous grounds of rejection based on the Tomko patent is withdrawn in view of Applicant's arguments in the Amendment filed 12/21/2004. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above.

USPTO Contact Information

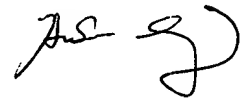
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS

A handwritten signature in black ink, appearing to be "JSC" followed by a stylized flourish.